



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Special Exception** **The Taylor Community/Map 96, Lot 4**

January 5, 2010

Applicant: The Taylor Community
435 Union Avenue
Laconia, NH 03246

Location: Route 171, Moultonborough, NH (Tax Map 96, Lot 4)

On November 17, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of the Taylor Community (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article VII (A)(1) to allow for a condominium conversion for the property located in the Agricultural Residential (AR) Zoning District.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located on Route 171 (Tax Map 96, Lot 4)
- 2) The applicant is the owner of record for the lot.
- 3) The applicant was represented by Catherine Broderick of Westcott, Dyer, Fitzgerald and Nichols, PA, and Steve Smith of Steven J. Smith and Associates, Inc.
- 4) The lot is located in the Agricultural Residential (AR) Zoning District.
- 5) The applicant requested a continuation of the Public hearing on November 17, 2010 as there were only three (3) members of the Board present. The application was continued to December 1, 2010.
- 6) There is to be no new construction at the site. The existing number of buildings and bedrooms will remain unaltered and will not be increased in number
- 7) The lot consists of eighty-four (84) acres of land containing fourteen (14) units.
- 8) The applicant had previously received subdivision approval from the project in 1998.
- 9) The applicant has a state approval for the well system for the conversion.
- 10) State subdivision approval for the conversion is pending.

- 11) Based on the soils and slopes requirements in the Zoning Ordinance, up to thirty-three (33) dwelling units could be permitted on the site. There are only fourteen (14) units on the site.
- 12) The applicant is also concurrently seeking Subdivision and Site Plan Review approval from the Planning Board, as required by statute and the Town's Zoning Ordinance and Regulations
- 13) The applicant was granted an amendment to their application to state that the site contains both single family dwelling units and multi-family units.
- 14) During the Public Hearing, Linda Nolin, abutter, asked the applicant about a woods road on the subject lot and her current right to use this woods road. Ms. Nolin requested that the ZBA make a condition of any approval that no further development be permitted, her rights would not be effected for the use of this woods road, and that the septic system will be sufficient to handle the proposed conversion properties.
- 15) There will be no increase in the number of units.
- 16) There will be no increase in the number of bedrooms per unit.
- 17) The application meets all of the requirements for a Special Exception under Article VII A(1).
- 18) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Heal, McCarthy, Roseberry), and none (0) opposed to continue the Public Hearing to December 15, 2010, and to direct the Town Planner to draft a Notice of Decision to Grant the Special Exception, to be reviewed by the Board at the December 15, 2010 Regular Meeting.
- 19) The applicant, after discussion about the possibility of a condition limiting future development on the parcel, requested a continuation of the Public Hearing to January 5, 2011. The Board continued the Public Hearing to January 5, 2011.

The Board of Adjustment continued the Public Hearing to December 15, 2010 and January 5, 2011. The Board of Adjustment closed the public portion of the hearing on January 5, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, McCarthy, Roseberry, Zewski), none (0) opposed, to **GRANT** the request for Special Exception.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert Stephens
Chairman, Zoning Board of Adjustment

Date _____